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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,526	09/29/2003	Timo Tokkonen	NKO.014.US	1836
76385 7590 12/31/2008 Hollingsworth & Funk, LLC 8009 34th Avenue South Suite 125 Minneapolis, MN 54425				
EXAMINER				
PARTHASARATHY, PRAMILA				
ART UNIT		PAPER NUMBER		
2436				
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12/31/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/673,526

Applicant(s)

TOKKONEN, TIMO

Examiner

PRAMILA PARTHASARATHY

Art Unit

2436

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 12/10/2008 with respect to prior art rejection have been fully considered but are not persuasive. Examiner further requests the Applicant's attention to items **#2 and #3** and requests amending the claims to overcome these rejections. Examiner maintains Prior art rejection as Narayanaswami (Patent 6,720,860) teaches "The authentication system includes a user interface display having a touch sensitive panel for detecting physical user interaction therewith and generating signals accordingly", "generates a sequence of one or more images for display via the user interface, the mages of a sequence including that user's password elements which are flashed randomly at different interface display locations and varied temporally" and "match each element of the user password in order to provide verification of the password when all elements of the password have been detected" encompass the instant invention, in particular, with "displaying a random subset of the predetermined objects on the display of the locking arrangement once the control command is detected; detecting the selection order of the objects; and changing the lock state when the detected object selection order differs from a determined user-specific inter-object internal order by a predetermined parameter" and other limitations as detailed in the previous office action. Dependent claims are rejected by the virtue of their dependency on the rejected parent claims.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1 – 25 are rejected under 35 U.S.C. 101 because the claimed invention is not directed to a practical application and the invention as claimed does not produce a useful, concrete, and tangible result.

Claims 1, 11 and 23 recite, "changing the lock state when the detected selection order differs from a determined user-specific inter-object internal order by a predetermined parameter" when implemented, would provide any detection of any selection to change the lock state, which does not produce a useful result.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1 – 25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 1 – 25 are recite "Changing the lock state when the detected selection order differs from a determined user specific inter-object internal order", is not disclosed by the instant specification.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1 – 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Narayanaswami (U.S. Patent Number 6,720,860).

7. As per Claims 1 and 11, Narayanaswami teaches, "creating a database from predetermined objects (Fig. 3-6 and Column 8 lines 22 – 45, pre-selects the choices comprising password);

determining at least one user-specific inter-object internal order of the predetermined objects in the database (Column 8 lines 50 – 65, password authentication display images and the password sequence has been identified);

detecting a control command for starting the control of the locking function (Column 9 lines 9 – 15);

displaying a random subset of the predetermined objects on the display of the locking arrangement once the control command is detected (Column 8 lines 37 – 47; images are randomly determined and Column 10 lines 43 – 52);

detecting the selection order of the objects; and changing the lock state when the detected object selection order differs from a determined user-specific inter-object internal order by a predetermined parameter" (Column 9 lines 9 – 15).

8. As per Claim 23, Narayanaswami teaches, "Storing a database of predetermined objects in a first device (Fig. 3-6; Column 4 line 54 – Column 5 line 15 and Column 8 lines 22 – 45, pre-selects the choices comprising password);

determining at least one user-specific inter-object internal order of the predetermined objects in the database (Column 8 lines 50 – 65, password authentication display images and the password sequence has been identified);

detecting a control command by the first device for starting the control of the locking function by detecting a signal from a second device (Column 4 line 54 – Column 5 line 15 and Column 9 lines 9 – 15);

in response to detecting the control command, transmitting a random subset of the predetermined objects to the second device (Column 4 line 54 – Column 5 line 15 and Column 9 lines 9 – 15);

displaying the transmitted random subset of the predetermined objects on the display of the second device (Column 8 lines 37 – 47; images are randomly determined and Column 10 lines 43 – 52) ;

detecting a selection order of the objects (Column 9 lines 9 – 15);

transmitting the selection order and an identifier of the second device to the first device (Column 4 line 54 – Column 5 line 15 and Column 9 lines 9 – 15); and

changing the lock state when the detected object selection order differs from a determined user-specific inter-object internal order associated with the identifier by a predetermined parameter" (Column 9 lines 9 – 15).

9. As per Claims 2 and 14, Narayanaswami teaches, "displaying the random subset of objects in a random order on the display." (Column 8 lines 37 – 47; images are randomly determined and Column 10 lines 43 – 52).

10. As per Claims 3 and 15, Narayanaswami teaches, "identifying the determined user-specific inter-object internal order based on the detected control command." (Column 9 lines 9 – 15).

11. As per Claim 4, Narayanaswami teaches, "the objects are one or more letters, digits, figures, images, songs or a combination thereof including two or more objects" (Column 4 lines 42 – 53 and Column 8 lines 28 – 67; voice data, images geometric shapes, number, letter or any combinations thereof).

12. As per Claims 5 and 16, Narayanaswami teaches, "changing the determined user-specific inter-object internal order when the detected object selection order is within the predetermined parameter of the determined user-specific inter-object internal order" (Column 9 lines 9 – 15).
13. As per Claims 7 and 18, Narayanaswami teaches, "entering an arrangement lock state when a predetermined number of such successive object selection orders are detected, wherein the object selection orders are not within the predetermined parameter of the determined user-specific inter-object internal order" (Column 8 lines 1 – 15 and Column 9 lines 11 – 34).
14. As per Claims 8 and 19, Narayanaswami teaches, "establishing a short-range wireless connection and detecting the control command for starting the control of the locking function via the short-range wireless connection" (Column 10 lines 2 – 12).
15. As per Claim 9, Narayanaswami teaches, "establishing a short-range wireless connection and detecting the object selection order via the short-range wireless connection" (Column 4 lines 54 – 65).
16. As per Claims 10 and 20, Narayanaswami teaches, "determining the user-specific inter-object internal order in one or more user profiles of the arrangement" (Column 9 lines 9 – 15).
17. As per Claim 21, Narayanaswami teaches, "the arrangement for controlling a locking function is in a portable electronic device" (Column 3 line 56 – Column 4 line 5).
18. As per Claim 22, Narayanaswami teaches, "the arrangement for controlling a locking function is in a door or gate" (Column 10 lines 53 – 59).
19. As per Claims 6 and 17, Narayanaswami teaches, "using learning algorithms and/or intelligent networks in changing the determined user-specific inter-object internal order" (Column 9 lines 16 – 55, each time the user enters the password, the probability of the right graphics display is evenly distributed).

20. As per Claim 24, Narayanaswami teaches, "wherein the identifier is a digital signature" (Column 10 lines 59-64, user entering a personal identification number) and instant application discloses identifier as a personal identification [0025].
21. As per Claim 25, Narayanaswami teaches, "wherein the first and second device communicate via a short-range wireless connection" (Column 4 lines 54 – 65).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PRAMILA PARTHASARATHY whose telephone number is (571)272-3866. The examiner can normally be reached on 8:00a.m. to 5:00p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Pramila Parthasarathy/
Primary Examiner, Art Unit 2136
December 30, 2008.